

# District 25 News

MAKIKI, TANTALUS, MCCULLY, PAPA KOLEA

July 2007

## Aloha Neighbors!

**Veto Overrides.** With the conclusion of the veto override session on July 10th, the 2007 Legislature has come to a close. During this one-day special session, the Legislature overrode 11 of the Governor's 27 vetoes relating to important priority measures for our State. Combined with previous vetoes during the regular session, the Legislature overrode 19 of the Governor's 39 vetoes this year. Please see the last page of this newsletter for my thoughts on the veto override process.

Among the overrides was **HB 10, Act 60** which works toward reducing the cost and expanding the choice of drugs in the Hawaii RX Program. **SB 1191, Act 10**, provides \$3 million for long-overdue pedestrian safety improvements; and **SB 1922, Act 11**, promotes innovation in our economy by designating a new home for UH's Academy of Creative Media, and establishing the Music and Enterprise Learning Experience program at Honolulu Community College.

**Seniors in the Spotlight.** Seniors are the focus of this newsletter. The 2007 Legislature placed a high priority on expanding assistance for our elders and protecting seniors from financial abuses. Please see the enclosed articles for updates on recently enacted laws that prevent financial abuse, enable us to better understand the needs of our aging population, and strengthen services for the elderly.

While the Legislature is not in session, I can be reached by phone at 586-9425, by fax at 586-9431, or by email at [repbelatti@capitol.hawaii.gov](mailto:repbelatti@capitol.hawaii.gov). Please call me if you have any questions, concerns, or suggestions.

Mahalo,

DELLA AU BELATTI, State Representative

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## Halau Ku Mana Community Briefing

**Thursday, July 26**

**6:00-7:00 PM**

**Stevenson Middle  
School Cafeteria**

Please join us for a briefing on Makiki's newest charter school.

Contact my office at 586-9425 for additional information.



## Retired and Senior Volunteer Program

Congratulations to the Senior volunteers who donated their time and talents to our community this year in the Retired and Senior Volunteer Program (RSVP). Through RSVP, volunteers have worked more than a 100,000 hours providing care for others, volunteering at schools and museums, and dedicating their time to activities that directly benefit our community.

Thanks go out to all the volunteers, but special recognition and thanks are extended to Makiki residents **Sylvia S. Koike** (volunteered 645 hours) and **RSVP Project Director Norma Koenig**. To get involved with RSVP, contact Norma at 586-5190.

# Protecting Our Elders

Many of us are familiar with the hassle of fixing improper charges to our credit cards, understanding the complexity of insurance products or mortgages, and dealing with financial institutions to keep our accounts in proper order.

For those who are disabled, who do not have access to financial services over the Internet, or who have difficulty communicating, resolving financial matters can be a real problem. For some who reside in assisted living communities, or whose finances are looked after by friends or family, the potential for financial abuse exists.

With Hawaii's aging population growing quickly these problems are becoming more commonplace. The Legislature this year took steps to stop the escalation of financial exploitation of our elders, and create new protections for safeguarding their finances.

**HB 1306, Act 95** strengthens penalties for securities violations committed against elders 62 years or older. Those convicted of exploiting the elderly will be subject to a new \$50,000 penalty for each violation, in addition to already existing penalties.

To that same end, **HB 1336, Act 50** also specifically targets mortgage brokers and solicitors who commit violations against elders 62 years or older.

Act 50 increased penalties by an additional fine up to \$10,000 for each violation committed by a licensed mortgage broker or solicitor.

To help identify and prevent abuse that might otherwise go unreported, **SB 1400, Act 94** requires financial institutions to report suspected instances of financial abuse committed against an elder to the Department of Human Services (DHS). Act 94 also requires financial institutions to notify the proper local law enforcement agency of suspected cases over which DHS does not have jurisdiction.

"We can try to prevent financial abuse and protect our elders beforehand, but we cannot help financially exploited seniors unless we can identify who they are. It is important that we take these first steps to make reporting financial abuse mandatory," states Della.

Finally, the Legislature strengthened the laws on prepaid funeral plans. **HB 1337, Act 188** now requires funeral companies to notify delinquent customers four months in advance of their intent to cancel the contract and give purchasers a chance to continue payments. Act 188 also requires clearer disclosures to buyers of prepaid funeral plans, and increases maximum fines for each violation of the law from \$1,000 to \$5,000.



## AARP Driver Safety Program



The AARP Driver Safety Program is a comprehensive nationwide course designed especially for the older driver. It takes into consideration the physical changes of the mature driver and identifies ways they may compensate for those changes. The cost is \$10 and a Certificate of Completion will be issued upon finishing the two 4-hour courses.

Registration is required. The Program is being conducted at the following sites and times:

- Kaiser Health Clinic, July 21, 8 am-12 noon, 432-2260
- Queens Hospital, July 22, 9 am-1 pm, 537-7117
- AARP Info Center, Aug. 24 & 31, 12 noon-4 pm, 843-1906
- Waikiki Community Center, Aug. 28 & 30, 9 am-1pm, 923-1802

# Doing More For Our Seniors



## **Comprehensive Planning for New Challenges.**

Seniors, who often rely on fixed incomes, are faced with increasingly expensive needs and health care costs. To address these challenges facing Hawaii's seniors, the Legislature established the Joint Legislative Committee on Family Caregiving in 2006.

This committee is charged with developing a comprehensive public policy to strengthen support for family caregivers. This year, the Legislature passed **SB 1916, Act 204** to extend the work of the committee.

**Act 204** also charges the committee with the task of exploring whether Hawaii should support caregivers by establishing:

- ✓ A paid family leave program, similar to the California Paid Family Leave Program, to provide wage replacement benefits to employees who take time off from work to care for seriously ill family members; and
- ✓ A cash and counseling program, in which recipients of Medicaid care or home and community-based services receive and manage a monthly allowance, can select a family member or friend to provide the services, and receive counseling and fiscal assistance.

Lastly, **Act 204** broadens the scope of the committee by requiring the Executive Office on Aging to perform a comprehensive assessment of grandparents who care for grandchildren who are 18 years or younger or 19 years or older with disabilities.

**Advocacy for the Elderly.** As the elderly population grows, there is a shared concern that this vulnerable and dependent population is left without a voice. The Legislature recognized this concern and formally established the Office of the Long-Term Care Ombudsman.

**HB 807, Act 93** creates the Ombudsman to advocate for and protect the health, safety, welfare and rights of residents of nursing homes, adult resi-

dential care homes, and other long-term care facilities. The duties of the Ombudsman include:

- ✓ Providing information to, and investigating and resolving complaints of residents of long-term care facilities; and
- ✓ Working with long-term care facilities, community organizations, residents, family councils, and other interested parties to improve the care and quality of life of long-term care residents.

**Direct Services for the Elderly.** In addition to planning for the future, the Legislature committed financial resources to direct services for family caregivers and the elderly. The following programs received funds that are critical to addressing the current needs of seniors:

| <b>Program</b>   | <b>FY07-08</b> | <b>FY08-09</b> |
|--|----------------|----------------|
| Executive Office on Aging  | \$80,000       | \$80,000       |
| <i>To coordinate family caregiver support services, refer caregivers to appropriate services, and build public awareness of caregiver resources.</i>   |                |                |
| Aging & Disability Resource Center Project   | \$300,000      | \$230,000      |
| <i>For the Office of Aging to develop this project to serve as an entry point for seniors, the disabled, and family caregivers to find available options for care.</i>   |                |                |
| Kupuna Care Program  | \$475,000      | \$525,000      |
| <i>For the Office on Aging to expand this program which provides seniors with services such as meal deliveries, transportation, assistance with daily tasks, and case management to identify needs and develop care plans.</i> |                |                |

## **USEFUL CONTACT INFORMATION:**

|   |          |
|---|----------|
| Executive Office on Aging               | 586-0100 |
| State Office of the Ombudsman           | 587-0770 |
| Hawaii RX Plus, Dept. of Human Services | 692-7999 |
| Lanakila Meals on Wheels                | 531-0555 |
| City and County Transportation Services | 595-0077 |
| University of Hawaii Elder Law Program  | 956-6544 |

# Good Government Demands Careful Attention

*By: Representative Della Au Belatti*

*This commentary was written for and published by the Honolulu Advertiser on July 10, 2007.*

With the chance of an extended special session unlikely, the question remains: Will the Legislature override the governor's vetoes in a one-day special override session?

Given the governor's proposed list of vetoes, the Legislature is poised to set a remarkable precedent if even the expected 28 of 31 vetoed bills are overridden by both the House and the Senate.

In 2001, a Democratic Legislature exercised its override power over a governor's veto for the first time since statehood. Ben Cayetano, a Democrat, was governor.

Since that time, the Legislature has flexed its muscle with Republican Gov. Linda Lingle three of the five years she has been in office.

During the governor's term, the Legislature has expanded its exercise of the override power. The percentage of vetoes overridden by the Legislature has increased from 18 to 46 percent between 2003 and 2005. If lawmakers move forward with overriding 28 of the 31 potential vetoes, the Legislature will override around three-fourths of Governor Lingle's vetoes.

Interestingly, in the past five years, the Legislature has not reconvened after the completion of the legislative session to override the governor's vetoes during election years. One-day special sessions have only been held in 2003 and 2005, both non-election years. In 2006, the Legislature failed to override any of the governor's 32 vetoes.

So what do these statistics say about our Legislature's exercise of its override power?

A cynic might conclude that our elected officials will only go into override session when their schedules are not packed with campaign fundraisers, coffee hours, sign-waving and walking their district.

A cynic might also speculate as to what will happen in the event that the Legislature and governor are again of the same party. Perhaps the Legisla-

ture will retreat to past practice and not be so quick to override a member of its own party, even if that governor were to raise the same type of valid concerns that the current governor now raises.

As a legislator, I believe that we cannot allow these cynical perspectives to prevail. If we do, then we lose the public's trust and further erode the public's confidence in government. Through our actions, we must demonstrate that we are a co-equal branch of government, willing to act as the check and balance envisioned by our constitutional framers. We must be willing to exercise our constitutional powers at all times, whether it is an election year or not, and regardless of the governor's party affiliation.

So, how do these beliefs about the role of the Legislature inform my approach to the governor's possible vetoes this year? As I consider the governor's potential vetoes, I have pondered the following questions for each of them:

- Is the bill of such statewide or public safety significance to warrant an override?
- Because the governor ultimately has the power of the purse to release or restrict funds, certain overrides may be symbolic in nature. Even knowing this limitation of a veto override, should the Legislature override because of the significant statewide or public safety interest at stake?
- Does the governor raise valid concerns that may have only been fully brought to light after the session, and can the legislation wait for another year so the bill can be improved to better balance and address the needs of the public?

My answers to these questions may put me at odds with some of my colleagues or party members.

But because our work has such great impact on the lives of the people of this great state, I am compelled to give careful attention and thought to my part in the collective action we take today. Good government and the public, at least from my perspective, demand this type of careful consideration.